

1 Q [REDACTED]

2 [REDACTED]

3 A [REDACTED]

4 Q [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A [REDACTED]

9 Q [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 MR. FREDERICK: Your Honor, may I  
13 approach the witness just to make sure we're  
14 on the same page?

15 JUDGE SIPPEL: Are you -- are you  
16 still with 103?

17 MR. FREDERICK: I am, Your Honor.

18 BY MR. FREDERICK:

19 Q [REDACTED]

20 [REDACTED]

21 A [REDACTED]

22 Q [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]?

4 A [REDACTED].

5 JUDGE SIPPEL: They don't bear  
6 the same Bates numbers. It's a little tricky  
7 -- I mean is the whole thing a spreadsheet,  
8 just a cut-up spreadsheet?

9 MR. FREDERICK: [REDACTED]

10 [REDACTED]

11 [REDACTED]. I just would  
12 like to make the point that there is a total  
13 that's provided on one of the summary pages of  
14 the spreadsheet. It's early on right after  
15 the map.

16 JUDGE SIPPEL: [REDACTED]

17 [REDACTED]?

18 MR. FREDERICK: [REDACTED]

19 Your Honor.

20 THE WITNESS: Okay, I have it.

21 BY MR. FREDERICK:

22 Q [REDACTED]

1 [REDACTED]?

2 A [REDACTED]

3 [REDACTED]?

4 MR. FREDERICK: If I could  
5 approach, Your Honor?

6 THE WITNESS: Oh, I'm looking at  
7 the wrong page.

8 MR. FREDERICK: That's correct,  
9 Your Honor. It's this page.

10 BY MR. FREDERICK:

11 Q [REDACTED]

12 [REDACTED]

13 [REDACTED]?

14 A [REDACTED].

15 Q [REDACTED]

16 [REDACTED]?

17 A [REDACTED].

18 Q [REDACTED]

19 [REDACTED],

20 [REDACTED]?

21 A [REDACTED].

22 Q [REDACTED]

1 [REDACTED]?

2 A [REDACTED]

3 [REDACTED]?

4 Q [REDACTED]

5 [REDACTED]

6 A [REDACTED] [REDACTED]

7 Q [REDACTED]

8 [REDACTED]?

9 A [REDACTED]

10 Q [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]?

14 A [REDACTED]

15 Q Now that same day, July the 28th,

16 Alan Dannenbaum sent you a draft proposal for

17 the MASN deal, correct?

18 A I don't recall the timing, but I'm

19 sure -- if we can look at the emails, I'm sure

20 that's on there.

21 Q This is not a trick question, Mr.

22 Bond.

1           A       I didn't think it was. I just  
2   don't recall the exact timing at the moment.

3                   MR. FREDERICK:   May I approach  
4   the witness, Your Honor?

5                   JUDGE SIPPEL:    You may.

6                   MR. FREDERICK:   This is in  
7   evidence, Your Honor.

8                   BY MR. FREDERICK:

9           Q       Does this document, Mr. Bond,  
10   refresh your recollection as to receiving a  
11   proposal from Mr. Alan Dannenbaum on Friday,  
12   July the 28th at 5:12 p.m.? That's the very  
13   bottom email.

14          A       Yes, this is a proposal to go to  
15   MASN.

16          Q       Okay, and it had been prepared  
17   presumably at your behest; is that correct?

18          A       Yes.

19          Q       Okay. So Mr. Alan Dannenbaum is  
20   preparing a proposal with a bullet point  
21   summary of that proposal?

22          A       Yes.

1 Q And it's late Friday afternoon,  
2 July the 28th?

3 A Yes.

4 Q Okay, and in that proposal Mr.  
5 Dannenbaum proposed a launch of MASN at  
6 approximately -- can I say the number,  
7 counselor? Is that highly confidential?

8 MR. KIRK: I think we can  
9 indicate the numbers inside a specific area.

10 MR. FREDERICK: I'll accept that  
11 representation.

12 BY MR. FREDERICK:

13 Q The proposal was for a launch of  
14 MASN of 1.5 million subs; correct?

15 A Well, I don't have the attached  
16 document. But the email that's attached  
17 suggests -- it's talking about the Washington  
18 and Baltimore DMAs, so that would be about the  
19 size of it. So presumably that's an accurate  
20 statement.

21 Q And just so the record is clear,  
22 Mr. Bond, we don't have it either. So we have

1 never seen the attachment that Mr. Dannenbaum  
2 sent to you on July the 28th, 2006.

3 A Well, the email does, actually now  
4 that I'm reading it, it does say 1.5 service  
5 subs, when you follow the email on.

6 Q And just so the record is clear  
7 that is the same proposal that Mr. Dannenbaum  
8 had transmitted to you on Friday afternoon,  
9 July 28th?

10 A I don't recall this exact writing  
11 set, but the email says, the way it's written  
12 now accounts for about a little over 1.5  
13 million service subs, so that seems accurate.

14 Q Okay. So that was the proposal  
15 that Ortman had suggested, correct?

16 A I believe that that document, or  
17 at least the subscriber commitment, was worked  
18 on with Mike Ortman.

19 Q Okay. And Mr. Ortman worked with  
20 Ms. Jen Gaiski on developing that proposal,  
21 correct?

22 A Yes.

1 Q And they worked with Mr.

2 Dannenbaum on that proposal, correct?

3 A Yes.

4 Q And after they had worked it up  
5 and they had figured out what they wanted to  
6 propose, they proposed it to you, correct?

7 A Yes.

8 Q And this came in on Friday  
9 afternoon, July the 28th, at about 5:12 p.m.,  
10 correct?

11 A Yes.

12 Q The next day you responded to Mr.  
13 Alan Dannenbaum, correct?

14 A Yes.

15 Q And in that response why don't you  
16 just read the whole email for the benefit of  
17 the Court if you would, Mr. Bond. These are  
18 your words, correct?

19 A [REDACTED] [REDACTED]  
20 [REDACTED] [REDACTED]  
21 [REDACTED] [REDACTED]  
22 [REDACTED] [REDACTED]



1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]

10 Q [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]?

13 A Yes.

14 MR. TOLLIN: We're getting into a  
 15 lot of detail here, which is fine. But can we  
 16 close the room?

17 MR. FREDERICK: Well, I'm not  
 18 getting into numbers, Mr. Tollin. Is the fact  
 19 of what they were discussing without the  
 20 numbers highly confidential?

21 MR. TOLLIN: Without consulting  
 22 with the Comcast people it's hard for me to

1 obviously sit here and make judgments for the  
2 company. It would only be for five minutes.

3 JUDGE SIPPET: If you feel it's  
4 necessary. Sorry for the disruption.

5 MR. TOLLIN: Thank you.

6 MR. FREDERICK: May we proceed?

7 JUDGE SIPPET: Yes, you may.

8 BY MR. FREDERICK:

9 Q So the day after you received an  
10 email saying 1.5 million subs is what we  
11 should propose to MASN, you respond by saying  
12 -- giving the questions, what are the total  
13 subs we would be giving them, correct?

14 A Yes.

15 Q You did not ask for a region-by-  
16 region breakdown, correct?

17 A No. Well, I asked for a general  
18 description of the systems we had in reserve.

19 Q But your focus was on the total  
20 subs, correct?

21 A Yes. I think it was really about  
22 both. I was interested in reaching agreement

1 with MASN. And what I'm doing in this email  
2 is, I'm trying to find a good structure, an  
3 opening structure, something that I think will  
4 work to get the deal done, because I am really  
5 trying to get to yes with MASN. So that's  
6 what my objective was. I'm obviously trying  
7 to push the launch obligation higher so that  
8 it would be more attractive to MASN.

9 Q And by getting to yes, you are not  
10 talking about favoring the Yankees  
11 Entertainment Sports Network, you are reaching  
12 an affirmative deal, correct?

13 A Yes.

14 (Laughter)

15 Q Just so the record is clear, as a  
16 former employee of the YES network, your aim  
17 here was not to favor the Yankees over the  
18 Orioles, is that right?

19 A Fair enough.

20 Q Thank you.

21 So you are looking at capping  
22 payment at a certain number of subs, correct?

1           A       No, not really. What I was doing  
2   here was really exploring you know different  
3   structures that we might do a deal. I thought  
4   MASN might have certain issues with respect to  
5   how the rates were structured and how it  
6   related to other contracts, and so what I was  
7   talking about in the second paragraph was  
8   really just exploring different kinds of deal  
9   constructions, once again trying to get to an  
10  agreement with them.

11          Q       Fair enough. You did not ask Ms.  
12  Gaiki or Mr. Dannenbaum to investigate what  
13  the legacy of carriage of Orioles games was at  
14  that time, correct?

15          A       No.

16          Q       You did not ask them to  
17  investigate what the bandwidth constraints  
18  would be for launching MASN at that time,  
19  correct?

20          A       No.

21          Q       You didn't ask what effect this  
22  might have on the Baltimore Orioles

1 distribution at that time, correct?

2 A No.

3 Q And you didn't ask them to explore  
4 what kind of consumer demand there might be  
5 for MASN's programming, correct?

6 A No.

7 Q You were simply looking at the  
8 number of subs and how much money it would  
9 cost Comcast, correct?

10 A And also generally how it laid out  
11 in the territory.

12 Q Okay. Now on Sunday, July 30th,  
13 Ms. Gaiski responds with the number 1.5  
14 million service subs, and she says, quote, I  
15 can get you systems in the a.m., correct?

16 A Yes. Yes.

17 Q Now the systems were those that  
18 would be launching MASN, correct, under this  
19 proposal?

20 A Well, I think I was asking Jen  
21 please give me a general description of the  
22 systems we have in their territory and what

1 systems on the periphery. So she -- it's a  
2 little unclear. I can get you systems in the  
3 a.m. I don't think she meant in referring to  
4 all the systems in the area.

5 Q Mr. Bond, sitting here today do  
6 you recall what she would -- do you recall  
7 what you would have intended information for  
8 her to give back to you so you could do your  
9 analysis of the deal to get to yes?

10 A Well, I think -- and it's been a  
11 long time so I don't remember specifically  
12 what she sent me back on Monday, July 31st, of  
13 '06. But what I was asking her for in the  
14 email was, please give me a general  
15 description of the systems we have in their  
16 territory. I think what I was asking, I was  
17 trying to get a handle on just what the  
18 footprint was, what the subs were, so I could  
19 reach an agreement with MASN, so I had the  
20 facts so I could reach an agreement with MASN.

21 Q You're attempting to educate  
22 yourself about a very complex matter, correct?

1 A Yes.

2 Q You are the final deal maker,  
3 correct?

4 A Yes.

5 Q You are in charge of content  
6 acquisition, correct?

7 A Yes.

8 Q You don't want to make a mistake  
9 in having a contract, correct?

10 A No.

11 Q So you want to learn as much as  
12 you can about the systems that you launch so  
13 you don't make a mistake for Comcast, correct?

14 A Yes.

15 Q Now the next day, July 31st, 2006,  
16 you respond to Ms. Gaiski, correct?

17 A I do.

18 Q And what is your response, Mr.  
19 Bond?

20 A It says, post-Adelphia, question  
21 mark. I would like to see a list of all the  
22 systems in the MASN service area.

1 Q Did Ms. Gaiski give you that list?

2 A As I said earlier, I'm sorry, I  
3 can't recall if she gave it to me or not. It  
4 certainly would have been likely that she  
5 would have. I don't recall sitting here today  
6 seeing that list.

7 Q Do you recall at any point prior  
8 to August 4th seeing a complete list of  
9 Comcast systems in MASN's television  
10 territory?

11 A I can't -- Mr. Frederick, I can't  
12 testify today with a very clear recollection  
13 of seeing a list. I obviously asked for it to  
14 be prepared. We prepared the Exhibit A that  
15 was attached to the agreement.

16 Q We'll get to Exhibit A. I want to  
17 talk about something that is not Exhibit A.

18 A All right, fine.

19 Q And that is the list of the  
20 complete number of systems and their  
21 description by Comcast within MASN's  
22 television territory, okay?



1           A       Okay.

2           Q       That's what you appear to be  
3 asking for from Ms. Gaiski, correct?

4           A       I do.

5           Q       But to your recollection you never  
6 saw that list between July 31st and August the  
7 4th, 2006?

8           A       No, I didn't say that. What I  
9 said was, I can't affirmatively testify here  
10 today that I remember seeing that list. I'm  
11 not saying I didn't see that list, and my  
12 recollection is that I never saw the list. I  
13 asked for it to be prepared. I expect it  
14 probably was prepared. I just don't recall  
15 specifically to be able to say that I recall.

16          Q       Okay, very well. What information  
17 would have been on that list?

18                   MR. TOLLIN: He's already said he  
19 has no recollection of the list. Objection.

20                   JUDGE SIPPEL: Yep.

21                   BY MR. FREDERICK:

22          Q       Mr. Bond, in order to facilitate

1 your negotiations --

2 JUDGE SIPPEL: I will sustain the  
3 objections.

4 MR. FREDERICK: Okay.

5 BY MR. FREDERICK:

6 Q Mr. Bond, in order to facilitate  
7 your negotiations, what information would have  
8 helped you to be on that list from Ms. Gaiski?

9 A It would have been helpful to have  
10 information about the systems where we were  
11 launching, financial analysis of the cost of  
12 the deal.

13 Q Would the bandwidth of the systems  
14 been on that list?

15 A The bandwidth probably -- now,  
16 might have been . This all would have been  
17 prepared with the help of the field  
18 organization. That would really be Glenn  
19 relying on to help guide this.

20 Q But would that information have  
21 been on the list?

22 A I don't know if it would have been

1 on the list or not.

2 MR. TOLLIN: This is calling for  
3 too much speculation. I mean he's at this  
4 point --

5 JUDGE SIPPEL: Why do you -- what  
6 do you base those judgments, to say what  
7 should be on that.

8 THE WITNESS: I'm really, since  
9 I'm looking at an email that I wrote, I'm kind  
10 of putting myself back into what I would have  
11 been and thinking, even though I just -- with  
12 this passage of time I really just don't  
13 remember it. But what I was asking for here  
14 was simply a list of systems. We were really  
15 relying on the field organization to help  
16 animate how we would cut this deal and where  
17 we would launch it. But I was obviously  
18 looking for a total system list here. It may  
19 or may not have noted bandwidth constraints.

20 JUDGE SIPPEL: What systems on  
21 the periphery we can carve out. And the  
22 response -- you were asked about the response.

1 You don't know anything about what the  
2 response was?

3 THE WITNESS: Well, the response  
4 -- so I received -- I was asking Jen to give  
5 me some information about the systems.

6 JUDGE SIPPEL: Right.

7 THE WITNESS: And she responded  
8 saying the way it is written means the term  
9 sheet that was being proposed now counts for  
10 about a little over 1.5 million service sites.  
11 I can get you the assistance in a.m. And I  
12 sent an email back simply to tell her post-  
13 Adelphia is it 1.5 million post-ADelphia,  
14 that's how I would read that. I was asking  
15 for that clarification. And then I asked, I  
16 would like to see a list of all the systems in  
17 the MASN service area.

18 JUDGE SIPPEL: And was that  
19 produced for you?

20 THE WITNESS: Well, I assume it  
21 was. It would have been unusual for Jen not  
22 to have done it. I simply don't have an

1 affirmative recollection of it today with this  
2 much passage of time. But I am asking for it,  
3 and she generally does what I ask her.

4 JUDGE SIPPEL: Are you going to  
5 try this in with Schedule A?

6 MR. FREDERICK: We're moving in  
7 that direction.

8 JUDGE SIPPEL: All right, okay.

9 BY MR. FREDERICK:

10 Q This email was sent at 1:04 a.m.  
11 on Monday, July 31st.

12 A It is.

13 Q You were up late that night?

14 A It looks that way.

15 Q Your direct testimony in paragraph  
16 10 says you finalized the proposal for MASN on  
17 July 31st. Correct?

18 A Yes.

19 Q So the same day that you inquire  
20 about the list of all the systems in the MASN  
21 service area you finalize your proposal?

22 A Yes.

1           Q       Do you recall receiving a response  
2    from Ms. Gaiski about how the systems would  
3    break down?

4           A       I think I answered that.

5           Q       Could you give us the answer  
6    again?

7           A       I don't know. Are you asking me  
8    about this list? Is that your question?

9           Q       I'm asking if you recall receiving  
10   a response of information from Ms. Gaiski?

11          A       From Ms. Gaiski? No, I don't.

12          Q       Okay.

13                 MR. FREDERICK: May I approach  
14   the witness, Your Honor?

15                 JUDGE SIPPEL: Please.

16                 MR. FREDERICK: Your Honor, this  
17   is highly confidential.

18                 JUDGE SIPPEL: Okay.

19                 MR. FREDERICK: Okay.

20                 BY MR. FREDERICK:

21          Q       Now, I want to start on the second  
22   page of this email chain, because the second

1 email is the Saturday, July 29th email in  
2 which you said you wanted to carve off systems  
3 on the periphery.

4 A Yes.

5 Q Okay, now the email above that is  
6 an email from Ms. Gaiski -- Your Honor, I'm on  
7 Exhibit Nol. 106.

8 JUDGE SIPPEL: I've got it.

9 MR. FREDERICK: Okay, and I'm on  
10 the second page of that email chain. And I'm  
11 in the third email, so this is the one from  
12 Ms. Jen Gaiski to you, Mr. Bond; are you with  
13 me?

14 THE WITNESS: I am.

15 BY MR. FREDERICK:

16 Q And she just says she just spoke  
17 to Mike O. -- would that be Mike Ortman?

18 A Yes.

19 Q [REDACTED]  
20 [REDACTED].

21 A Yes.

22 Q [REDACTED]

1 [REDACTED]?

2 A Yes.

3 Q [REDACTED]

4 [REDACTED]?

5 A Yes.

6 Q So Ms. Gaïski is working with Mr.  
7 Ortman to come up with a proposal to get the  
8 systems to back into the number that you asked  
9 for, correct?

10 A Yes.

11 Q Now later that day --

12 A I don't know that she is  
13 necessarily trying to back into the number.  
14 I think she is trying to develop a launch  
15 proposal.

16 Q Well, you had said that 1.5  
17 million was too restrictive; correct?

18 A No, I said, saying we would only  
19 launch in the Washington-Baltimore DMAs is too  
20 restrictive. I don't know that they were  
21 necessarily managing in this email chain to  
22 some number, they were really looking at their



1 marketplace and trying to determine where it  
2 would make sense to commit to a launch.

3 Q Now in this time between you made  
4 that clarification and Ms. Gaiski's response,  
5 did you have any other exchanges with Ms.  
6 Gaiski about bandwidth constraints?

7 A No, not that I recall.

8 Q Did you have any other contact  
9 with Ms. Gaiski about consumer demand?

10 A No.

11 Q Did you have any contact with Ms.  
12 Gaiski about legacy of carriage of Orioles  
13 programming?

14 A No.

15 Q So they are trying to figure out  
16 among the periphery which systems to include  
17 in the launch, correct?

18 A Yes.

19 Q But they are not giving you  
20 information about any of those subjects,  
21 correct?

22 A No.